

REMARKS

The Office Action of October 7, 2009 included various rejections of claims 1-41. Claims 1, 3-7, 21-24, and 31 were rejected under 35 U.S.C. § 102(b) as being anticipated by Peters (U.S. 6,508,807). Claims 1, 3-10, and 21-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Larkin (U.S. 4,895,570). Claims 2, 11-20, 28-30, and 32-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Larkin as modified by Peters in further view of Glantz (U.S. 5,558,641).

In response to the Office Action, independent claims 1, 21, 32, and 36 have been amended. Dependent claim 30 has been amended in the preamble for consistency with the claim it depends upon. The following remarks are provided to address the Examiner's rejections.

Claim 1 concerns an implantable system for delivering fluid to a body including a flexible first catheter and a flexible second catheter. One end of the first catheter is configured to be received within one end of the second catheter, wherein when the first and second catheters are connected, the second catheter receives the first catheter along an overlap area. See Figure 4 where first catheter 36 is inserted into second catheter 60 within an overlap area 100.

Claim 1 further recites that each of the first and second catheters have constant wall thickness in the overlap area. Such feature allows for each catheter end to be trimmed to an appropriate length during insertion into the patient's body.

Claim 1 further recites a collar with a first opening configured to encircle the first catheter and a second opening configured to encircle the second catheter. The first opening is smaller than the second opening. The collar is configured to surround at least a first portion of the overlap area of the first and second catheters. A clamp applies a radially inward force to the collar to hold the first and second catheters together, wherein the clamp encircles at least a portion of the overlap area.

In neither Peters or Larkin are the first and second catheters made from a flexible material. Moreover, neither reference teaches or suggests that each of the first and second catheters have constant wall thickness in the overlap area. Instead, both Peters and Larkin concern connector parts added to the ends of the flexible catheters to enable connection of the catheters. In no instance is there an overlap of the flexible catheters having the constant wall thickness. For these reasons, claims 1-20 are patentably distinguished from the cited art.

Independent claim 21 concerns a connector for connecting a first catheter and a second catheter wherein the catheters are configured to be received with one end inside the other along an overlap area. The connector of claim 21 includes a collar and a clamp. The clamp locks into a closed position and includes a pair of spaced jaws including a first jaw and a second jaw. The first jaw includes teeth. A tongue is configured to be inserted between the spaced jaws when the connector is a closed position. The tongue includes teeth to mesh with the teeth on the first jaw. Examiner's attention is directed to Figures 17 and 18. By providing teeth on each of the tongue and the first jaw, the clamp can be held closed in multiple positions. The clamp is mounted in a recessed area on the collar. Peters does not teach or suggest the pair of jaws nor the tongue and the teeth associated with the clamp which is mounted on a recessed area of the collar for clamping with a radially inward force on the collar. For these reasons, claims 21, and 25-31 are patentably distinguished from the cited art.

Independent claim 32 concerns a connector for connecting a first catheter and a second catheter, where one end of the first catheter is configured to be received within one end of the second catheter so as to define an overlap area. The first catheter is a fluid delivery catheter configured to enter a body lumen at an incision site. The connector includes a collar, a clamp, and a flexible sleeve which is encircled by a first opening of the collar and configured to surround the first catheter for a portion of the length of the first catheter extending from the first opening of the collar. The sleeve has an outer diameter larger than an outer diameter of the first catheter. The sleeve is configured to extend along the first catheter into the incision site. The sleeve includes a flared lip portion at one end, wherein the lip portion is configured to engage in

endwall of the proximal cavity within the collar. The Examiner's attention is directed at Figure 4 (see sleeve 68 and flared portion 104) as well as Figures 5 and 6.

The cited art does not teach or suggest a connector including the recited collar, clamp, and sleeve of claim 32 including the flared lip portion and wherein the sleeve is configured to surround the first catheter for a portion of the length of the first catheter. For these reasons, claims 32-34 patentably distinguish the cited art.

Independent claim 36 concerns an implantable system for delivering fluid to a body including flexible first and second catheters wherein each of the first and second catheters have constant wall thickness in an overlap area of the first catheter received within an end of the second catheter. Claim 36 further recites an access device (e.g., a port) which is configured to be connected to the second connector at the end opposite the overlap area. Claim 36 further recites a collar, a clamp, and a sleeve extending from a first opening of the collar. Claim 36 is shown in one embodiment in Figure 2.

As noted above, the cited art does not teach or suggest an overlap area of flexible first and second catheters wherein each of the first and second catheters have constant wall thickness in the overlap area. In addition, the cited art does not teach or suggest utilizing the collar, clamp and sleeve of claim 36 to join two catheters wherein the second catheter extends from an access device. For these reasons, claims 36-41 patentably distinguish the cited art.

U.S. Patent Application Serial No. 10/791,370

Amendment dated January 6, 2010

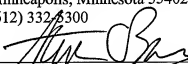
Reply to Office Action of October 7, 2009

Reexamination and reconsideration are respectfully requested. If a telephone conference would be helpful in resolving an issue, the Examiner is urged to contact the undersigned attorney at telephone number noted.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-8300

Date: January 6, 2010



Steven C. Bruess
Reg. No. 34,130
SCB:tv

23552

PATENT TRADEMARK OFFICE